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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,640	01/07/2005	Jurg Nyffenegger	0115-045732	9536
28289	7590	11/21/2006	EXAMINER	
THE WEBB LAW FIRM, P.C. 700 KOPPERS BUILDING 436 SEVENTH AVENUE PITTSBURGH, PA 15219			PUROL, DAVID M	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/520,640	Applicant(s) NYFFENEGGER ET AL.	
	Examiner David M. Purol	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>05202005</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. The preliminary amendment filed on January 7, 2005 has been entered.
2. The drawings are objected to because the lines are rough, blurred, and the numerals are poor.

The drawings are further objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the torsion spring contained within the roller body; the rolling door used as interior shutters, a toilet door, a door for changing cubicles, talk booths, photo booths, or a partition door in or on public transport must be shown or the features are to be canceled from the claims. No new matter can be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 18 and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. These claims contain subject

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matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

It is not known the structure or circuitry which enables the switch for contactless operation and to activate the motor logically in each case in dependence on the position of the door leaf.

4. Claims 13-26 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

These claims are narrative in form replete with functional or operational language and further contain numerous grammatical/idiomatic errors which prohibits the understanding of the claims. For example: claim 13, line 3 "for accommodating the", line 7 "in a displaceable manner", line 10 "is designed as a free guide rail", line 11 "at least indirectly on the", line 11 "attached at least indirectly"; claim 14, line 2 "a guide rail" which is a double recitation of claim 13 at line 6, line 2 "is designed as a", line 3 "in a displaceable manner in the", line 5 "has exclusively a", line 6 "and through which the pulling carriage is connected to"; claim 15, line 2 "is configured as a", line 3 "running rollers" which is a double recitation of claim 14 at line 3, lines 3-4 "which are arranged to sides of the", line 4 "and on which", line 5 "which are present alongside the"; claim 16, line 2 "is arranged in or on the", line 3 "takes place via a", line 4 "preferably arranged in an", line 5 "and, on a side which is directed away"; claim 17, line 2 "is arranged on", line 2 "which is located opposite the", line 3 "is designed for", line 5 "is

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designed as", line 6 "is connected firmly thereto"; claim 18, line 2 "for contactless operation", line 2 "is arranged on the roller casing, which is arranged", line 3 "is designed as", line 4 "activates the motor logically"; claim 19, line 2 "which allows the", line 2 "if, when the", line 3 "an obstacle is located in"; claim 20, line 2 "is designed as", line 2 "which is arranged", line 3 "via a pivot pin arranged", line 4 "being arranged in a top third", line 5 "means fix", line 6 "only when a certain leverage about"; claim 21, line 2 "contains a", line 2 "onto which the door leaf is rolled", line 4 "counter to a spring force, and energy built up is sufficient", line 5 "again, without any further motor power"; claim 22, line 2 "leaf or the roller is exchangeable", line 2 "and is formed from an"; claim 23, lines 2-3 in their entirety; claim 24, line 5 "and, if appropriate, a spindle", line 7 "or, if appropriate, a counter-profile", lines 7-8 "on which the holder is fastened", line 9 "and, if appropriate, the spindle between"; claim 25, line 2 "is configured as", line 3 "has two pairs, arranged one behind the other", line 4 "which are arranged to sides of the pulling carriage", line 5 "which are present alongside"; claim 26, line 2 "is arranged on an inner side".

The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device.

5. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: DeBlock et al, Chen, Poppema, Kissinger, Douglas et al, Tomita, Chu, Desrochers, Thumann, Johnston, Bourne, Dunn.

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6. Any inquiry concerning this communication should be directed to David M. Purol at telephone number (571) 272-6833.


David M Purol
Primary Examiner
Art Unit 3634

DMP
(571) 272-6833
November 18, 2006